

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

United States of America

v.

Case No. 19-cr-47-2-SM
Opinion No. 2023 DNH 031

Melvin Stanford

ORDER

Defendant was convicted and sentenced to 108 months of incarceration for serious drug offenses. He now seeks an order releasing him from prison for compassionate reasons, 18 U.S.C. § 3582(c)(1)(A), based on his medical conditions (hypertension, type 2 diabetes, high cholesterol), and the heightened risk those conditions pose should he contract the COVID-19 virus or any of its mutations. Indeed defendant previously was infected with COVID when detained at the Strafford County House of Corrections in 2020.

His earlier case provides him with some degree of protection against serious COVID illness in the future, but he has declined to be vaccinated. The government reports that nearly 95% of the inmates at the Danbury facility where defendant is incarcerated have been vaccinated, which no doubt also assists in controlling the spread of disease and tempers serious illness if the virus is transmitted. While defendant need not protect himself further by accepting the effective


vaccinations developed over the past few years, it is difficult to conclude that his risk of serious COVID-related illness is "extraordinary" and "compelling"; so warrants compassionate release. "The risk is self-incurred." United States v. Broadfield, 5 F.4th 801, 803 (7th Cir. 2021).

But, even if defendant's medical conditions and risks associated with COVID-19 exposure did qualify as extraordinary and compelling grounds for compassionate release, the seriousness of his offenses and risk of danger he poses to the community weigh heavily against granting compassionate release. See United States v. Chambliss, 948 F.3d 691, 694 (5th Cir. 2020). As the government points out, defendant is a recidivist drug dealer with a history of unlawful firearms possession.

Conclusion

For the reasons given and those argued by the government in its opposition, the motion for compassionate release (doc. no. 408) is denied.

SO ORDERED.


Steven J. McAuliffe
United States District Judge

March 29, 2023

cc: Georgiana MacDonald, AUSA
Anna Z. Krasinski, AUSA
Kristin Weberg, Esq.
U.S. Probation
U.S. Marshal